



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Noboru ISHIBASHI et al.

Group Art Unit: 3663

Application No.: 10/810,669

Examiner: T. TO

Filed: March 29, 2004

Docket No.: 118589

For: IDENTIFICATION ASSIGNING METHOD AND APPARATUS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Claims 1-12, 15, and 16 are pending in this application, with claims 2-4, 7-11, and 15 being withdrawn.¹ In reply to the June 6, 2007 Office Action, Applicants respectfully request reconsideration of the pending claims at least in light of the following remarks.

Claims 1, 5, 6, 12 and 16 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Applicants respectfully traverse the rejection.

Relying on MPEP §2106(II)(C), the Office Action alleges that "capable of," recited in claims 1, 12, and 16 "provides or makes optional but does not require steps to be performed or does not limit the scope of a claim or claim limitation." However, the Office Action's reliance on MPEP §2106(II)(C) is misplaced for at least the following four reasons.

¹ Applicants maintain that the withdrawal of elected claims 2-4, 7-11, which are in elected Group I and read on the elected Species E1, D and Da is improper and has not been addressed by any Office Action, in spite of Applicants' express request. However, as linking claim 16 and generic claim 1 are allowable for the reasons discussed herein, Applicants simply reserve the traversal of the improper withdrawal at this time.